



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3963

Introduced 11/4/2010, by Sen. Susan Garrett

SYNOPSIS AS INTRODUCED:

70 ILCS 3615/3B.04

from Ch. 111 2/3, par. 703B.04

70 ILCS 3615/3B.17 new

740 ILCS 174/5

Amends the Regional Transportation Authority Act. Provides for the appointment of a Commuter Rail Inspector General for a 5-year term for the purpose of detection, deterrence, and prevention of fraud, corruption, and mismanagement in the Commuter Rail Division (METRA). Contains provisions concerning appointment, terms, vacancies, qualifications, jurisdiction, duties, rulemaking authority, budget, and reporting requirements of the Commuter Rail Inspector General. Requires that the Commuter Rail Board appoint an ethics officer for the Commuter Rail Division. Amends the Whistleblower Act. Provides that "employer" includes the Office of the Commuter Rail Inspector General. Effective immediately.

LRB096 24158 RLJ 43593 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Regional Transportation Authority Act is
5 amended by changing Section 3B.04 and adding Section 3B.17 as
6 follows:

7 (70 ILCS 3615/3B.04) (from Ch. 111 2/3, par. 703B.04)

8 Sec. 3B.04. Chairman and Other Officers. The Chairman shall
9 preside at meetings of the Commuter Rail Board and shall be
10 entitled to vote on all matters. The Commuter Rail Board shall
11 select a Secretary and a Treasurer and may select persons to
12 fill such other offices of the Division and to perform such
13 duties as it shall from time to time determine. The Commuter
14 Rail Board must appoint an ethics officer for the Division. The
15 Secretary, Treasurer and other officers of the Division may but
16 need not be members of the Commuter Rail Board.

17 (Source: P.A. 83-886.)

18 (70 ILCS 3615/3B.17 new)

19 Sec. 3B.17. Commuter Rail Inspector General.

20 (a) The Office of the Commuter Rail Inspector General is
21 created for the purpose of detection, deterrence, and
22 prevention of fraud, corruption, waste, and mismanagement in

1 the Commuter Rail Division. The Commuter Rail Inspector General
2 shall head the Office and shall be appointed by a 7-member
3 committee known as the Selection Committee. The Selection
4 Committee shall be composed of:

5 (1) Two persons designated by the Cook County State's
6 Attorney, one of which may be the Cook County State's
7 Attorney. One member shall reside within the corporate
8 limits of the City of Chicago and one shall reside in Cook
9 County but outside the corporate limits of the City of
10 Chicago.

11 (2) The DuPage County State's Attorney or his or her
12 designee, who shall reside in DuPage County.

13 (3) The Kane County State's Attorney or his or her
14 designee, who shall reside in Kane County.

15 (4) The Lake County State's Attorney or his or her
16 designee, who shall reside in Lake County.

17 (5) The McHenry County State's Attorney or his or her
18 designee, who shall reside in McHenry County.

19 (6) The Will County State's Attorney or his or her
20 designee, who shall reside in Will County.

21 Within 60 days after the effective date of this amendatory
22 Act of the 96th General Assembly, the Selection Committee shall
23 convene to identify potential candidates to fill the position
24 of Commuter Rail Inspector General. In order to be eligible for
25 consideration for the Commuter Rail Inspector General
26 position, candidates must meet the qualifications outlined in

1 subsection (b). The Selection Committee shall appoint the
2 Commuter Rail Inspector General by an affirmative vote of at
3 least 5 of the 7 members. The Commuter Rail Board, upon
4 direction by the Selection Committee, may contract with a
5 national executive search firm to assist in identifying highly
6 qualified candidates for the Commuter Rail Inspector General
7 position. The costs for contracting with a national executive
8 search firm shall be paid out of the budget for the Office of
9 the Commuter Rail Inspector General as outlined in subsection
10 (h). No member of the Selection Committee may vote to appoint
11 as the Commuter Rail Inspector General: (i) a relative, as
12 defined by item (6) of Section 10-15 of the State Officials and
13 Employees Ethics Act, (ii) himself or herself, or (iii) a
14 person employed by a State's Attorney listed in items (1)
15 through (6) of this subsection (a).

16 (b) The Commuter Rail Inspector General shall have the
17 following qualifications:

18 (1) has not been convicted of any felony under the laws
19 of this State, another state, or the United States;

20 (2) has earned a baccalaureate degree from an
21 institution of higher education; and

22 (3) has 7 or more years of cumulative service (i) with
23 a federal, state, or local law enforcement agency, at least
24 2 years of which have been in a progressive investigatory
25 capacity; (ii) as a federal, state, or local prosecutor;
26 (iii) as a federal or state judge with a criminal docket;

1 (iv) as a senior manager or executive of a federal, state,
2 or local agency; or (v) representing any combination of (i)
3 through (iv).

4 (c) The term of the initial Commuter Rail Inspector General
5 shall commence upon appointment and run through June 30, 2015.
6 The initial appointment shall be made within 120 days after the
7 first meeting of the Selection Committee. After the initial
8 term, each Commuter Rail Inspector General shall serve a 5-year
9 term commencing on July 1 of the year of appointment and
10 running through June 30 of the fifth following year. On March 1
11 of the fifth year of each term of office for the Commuter Rail
12 Inspector General, the Selection Committee shall convene to
13 identify candidates for the position of Commuter Rail Inspector
14 General for the next term in accordance with the provisions of
15 subsection (a). The Selection Committee may reappoint the
16 Commuter Rail Inspector General to one or more subsequent
17 terms.

18 A vacancy occurring other than at the end of a term shall
19 be filled by the Selection Committee as provided in subsection
20 (a) only for the balance of the term of the Commuter Rail
21 Inspector General whose office is vacant.

22 Terms shall run regardless of whether the position is
23 filled. The Commuter Rail Inspector General may be removed only
24 for cause and may be removed only by an affirmative vote of at
25 least 5 of the 7 members of the Selection Committee. The
26 Selection Committee must give written notice to the Commuter

1 Rail Inspector General specifying the cause of his or her
2 intended removal. Causes for removal shall include neglect of
3 duty, abuse of power, discrimination, ethical misconduct, a
4 felony conviction, or a felony plea.

5 (d) The Commuter Rail Inspector General shall have
6 jurisdiction over the Commuter Rail Division, the Commuter Rail
7 Division Board of Directors, and all officers and employees of,
8 vendors, subcontractors, and others doing business with the
9 Commuter Rail Division.

10 The jurisdiction of the Commuter Rail Inspector General is
11 to investigate allegations of fraud, waste, abuse,
12 mismanagement, misconduct, nonfeasance, misfeasance,
13 malfeasance, or violations of this Act or violations of other
14 related laws and rules, except as otherwise provided in this
15 Section. Investigations may be based on complaints from any
16 source, including anonymous sources, and may be
17 self-initiated, without a complaint. The Commuter Rail
18 Inspector General shall refer allegations of misconduct that
19 fall outside the scope of the Commuter Rail Inspector General's
20 jurisdiction to the appropriate law enforcement official or
21 agency, or appropriate Inspector General.

22 (e) If the Commuter Rail Inspector General, upon the
23 conclusion of an investigation, determines that reasonable
24 cause exists to believe that fraud, waste, abuse,
25 mismanagement, misconduct, nonfeasance, misfeasance,
26 malfeasance, or violations of this Act or violations of other

1 related laws and rules, except as otherwise provided in this
2 Section, has occurred, the Commuter Rail Inspector General
3 shall issue a summary report of the investigation. The report
4 shall be delivered to the appropriate individual or entity
5 pursuant to paragraph (4) of subsection (f) of this Section,
6 which shall have 45 days to provide a written response to the
7 report.

8 (1) The summary report of the investigation shall
9 include the following:

10 (A) A description of any allegations or other
11 information received by the Commuter Rail Inspector
12 General pertinent to the investigation.

13 (B) A description of any alleged misconduct
14 discovered in the course of the investigation.

15 (C) Recommendations for any corrective or
16 disciplinary action or policy changes in response to
17 any alleged misconduct described in the report,
18 including but not limited to discharge.

19 (D) Other information the Commuter Rail Inspector
20 General deems relevant to the investigation or
21 resulting recommendations.

22 (2) If the Commuter Rail Inspector General issues a
23 recommendation of corrective or disciplinary action in his
24 or her summary report, then the entity responding to the
25 summary report issued pursuant to this subsection (e) shall
26 describe the corrective or disciplinary action taken, and

1 if different than that recommended by the Commuter Rail
2 Inspector General, the reasons for the different action.

3 (3) Within 60 days after issuance of a final summary
4 report, the Commuter Rail Inspector General shall make the
5 report and responses issued pursuant to this subsection (e)
6 available to the public by presenting the report and the
7 responses to the appropriate individual or entity pursuant
8 to paragraph (4) of subsection (f) of this Section and by
9 posting the report and responses on the Commuter Rail
10 Inspector General's website. The Commuter Rail Inspector
11 General shall redact information in the summary report and
12 responses issued pursuant to this subsection (e) that may
13 reveal the identity of witnesses, complainants, or
14 informants or if the Commuter Rail Inspector General
15 determines it is appropriate to protect the identity of a
16 person before the report is made public. The Commuter Rail
17 Inspector General may also redact any information that he
18 or she believes should not be made public, taking into
19 consideration the factors set forth in this subsection (e)
20 and subsection (m) and other factors deemed relevant by the
21 Commuter Rail Inspector General to protect other
22 investigations by the Commuter Rail Inspector General,
23 other inspector general offices, or law enforcement
24 officials or agencies. Prior to publication, the Commuter
25 Rail Inspector General shall permit the respondents and the
26 appropriate individual or entity pursuant to paragraph (4)

1 of subsection (f) of this Section to review the report and
2 the documents to be made public and offer suggestions for
3 redaction or provide a response that shall be made public
4 with the summary report, except that the Commuter Rail
5 Inspector General has the sole and final authority to
6 decide which redactions are made. The Commuter Rail
7 Inspector General may make available to the public any
8 other summary report and any such responses or a redacted
9 version of the report and responses.

10 (4) If the Commuter Rail Inspector General concludes
11 that there is insufficient evidence to warrant further
12 investigation into a particular matter, then the Commuter
13 Rail Inspector General shall close the investigation. The
14 Commuter Rail Inspector General shall provide to the
15 appropriate individual or entity as set forth in paragraph
16 (4) of subsection (f) a written statement of his or her
17 decision to close the investigation. If possible, the
18 written statement shall also be provided to the person or
19 persons who made the complaint that initiated the
20 investigation. At the request of the subject of the
21 investigation, the Commuter Rail Inspector General shall
22 provide to the subject of the investigation a written
23 statement setting forth his or her decision to close the
24 investigation. Closure by the Commuter Rail Inspector
25 General does not bar the Commuter Rail Inspector General
26 from reopening an investigation if the circumstances

1 warrant.

2 (f) The Commuter Rail Inspector General shall:

3 (1) Have access to all information, records,
4 equipment, personnel, and agency premises necessary to
5 perform the duties of the office.

6 (2) Have the power to request information related to an
7 investigation from any person if the Commuter Rail
8 Inspector General deems that information is relevant to an
9 investigation.

10 (3) Have the power to subpoena witnesses and compel the
11 production of books, papers, electronic records, and
12 equipment pertinent to an investigation authorized by this
13 Section. A subpoena may be issued under this paragraph (3)
14 only by the Commuter Rail Inspector General and not by
15 members of the Commuter Rail Inspector General's staff. Any
16 person subpoenaed by the Commuter Rail Inspector General
17 has the same rights, under Illinois law, as a person
18 subpoenaed by a grand jury. The power to subpoena or to
19 compel the production of books and papers, however, shall
20 not extend to the person or documents of a labor
21 organization or its representatives insofar as the person
22 or documents of the labor organization relate to the
23 function of representing an employee subject to
24 investigation under this Section. Subject to a person's
25 privilege against self-incrimination, any person who fails
26 to appear in response to a subpoena, answer any question,

1 or produce any books or papers pertinent to an
2 investigation under this Section, except as otherwise
3 provided in this Section, or who knowingly gives false
4 testimony in relation to an investigation under this
5 Section is guilty of a Class A misdemeanor.

6 In the case of a refusal to comply with a subpoena
7 issued to any person, the Commuter Rail Inspector General
8 may make application to any circuit court of this State
9 which shall have jurisdiction to order the witness to
10 appear before the Commuter Rail Inspector General and to
11 produce evidence if so ordered, or to give testimony
12 touching on the matter in question.

13 In any proceeding seeking enforcement of a subpoena
14 issued by the Commuter Rail Inspector General pursuant to
15 paragraph (3) of this subsection (f), the Commuter Rail
16 Inspector General shall obtain legal representation from
17 the Illinois Attorney General.

18 Whenever the Attorney General is sick or absent, or
19 unable to attend, or is interested in the matter for which
20 he or she represents the Commuter Rail Inspector General,
21 upon filing of a petition under seal by any person with
22 standing, the Supreme Court (or any other court of
23 competent jurisdiction as designated and determined by
24 rule of the Supreme Court) may appoint some competent
25 attorney to prosecute or defend that matter or proceeding,
26 and the attorney so appointed shall have the same power and

1 authority in relation to that matter or proceeding as the
2 Attorney General would have had if present and attending to
3 the same.

4 Except as otherwise provided in this Section,
5 attorneys representing the Commuter Rail Inspector General
6 shall be appointed or retained by the Attorney General,
7 shall be under the supervision, direction, and control of
8 the Attorney General, and shall serve at the pleasure of
9 the Attorney General. The compensation of any attorneys
10 appointed or retained in accordance with this subsection
11 (f) shall be paid by the Office of the Commuter Rail
12 Inspector General.

13 (4) Submit reports as required by this Section and
14 applicable administrative rules. Final reports and
15 recommendations shall be submitted to the Executive
16 Director and members of the Board of Directors of the
17 Commuter Rail Division for investigations not involving
18 the Commuter Rail Board. Final reports and recommendations
19 shall be submitted to the Chair of the Commuter Rail Board
20 and to the members of the Selection Committee for
21 investigations of any Board member other than the Chair of
22 the Commuter Rail Board. Final reports and recommendations
23 for investigations of the Chair of the Commuter Rail Board
24 shall be submitted to the members of the Selection
25 Committee.

26 (5) Participate in or conduct, when appropriate,

1 multi-jurisdictional investigations provided that the
2 investigations involve the Commuter Rail Division in some
3 way, including, but not limited to, joint investigations
4 with the Office of the Governor's Executive Inspector
5 General, the Cook County Independent Inspector General, or
6 with state, local, or federal law enforcement authorities.

7 (6) Serve as the Commuter Rail Division's primary
8 liaison with law enforcement, investigatory, and
9 prosecutorial agencies for investigations undertaken by
10 the Commuter Rail Inspector General pursuant to this
11 Section. In that capacity, the Commuter Rail Inspector
12 General may request any information or assistance that may
13 be necessary for carrying out the duties and
14 responsibilities provided by this Section from any local,
15 state, or federal governmental agency or unit thereof.

16 (7) Review hiring and employment files of the Commuter
17 Rail Division to ensure compliance with Rutan v. Republican
18 Party of Illinois, 497 U.S. 62 (1990), and with all
19 applicable employment laws.

20 (8) Establish a policy that ensures the appropriate
21 handling and correct recording of all investigations
22 conducted by the Office, in order that individuals seeking
23 to report suspected wrongdoing are familiar with the
24 process and that the subjects of investigations are treated
25 fairly. A written copy of the policy shall be made
26 accessible on the Commuter Rail Inspector General's

1 website.

2 (9) Receive and investigate complaints or information
3 concerning the possible existence within the Commuter Rail
4 Division of fraud, waste, abuse, mismanagement,
5 misconduct, nonfeasance, misfeasance, malfeasance, or
6 violations of this Act or violations of other related laws
7 and rules, except as otherwise provided in this Section.
8 Any employee of the Commuter Rail Division who knowingly
9 files a false complaint or files a complaint with reckless
10 disregard for the truth or falsity of the facts underlying
11 the complaint may be subject to discipline under the
12 disciplinary procedures of the Commuter Rail Division.

13 (10) Coordinate with the Commuter Rail Division's
14 Ethics Officer in the development of ethics training
15 specific to the Commuter Rail Division. The ethics training
16 must be conducted on a regular basis for Board members,
17 officers, and employees of the Commuter Rail Division. The
18 training shall include, at a minimum, a review of the
19 following: (i) the process for filing a complaint with the
20 Commuter Rail Inspector General and (ii) the scope of the
21 Commuter Rail Inspector General's authority under this
22 Section.

23 (11) Review, coordinate, and recommend methods and
24 procedures to increase the integrity of the Commuter Rail
25 Division.

26 For purposes of this subsection (f), the term "persons"

1 shall mean entities or individuals as specified in subsection
2 (d).

3 (g) Within 6 months after appointment, the initial Commuter
4 Rail Inspector General shall propose rules establishing
5 minimum requirements for initiating, conducting, and
6 completing investigations. The rules must establish criteria
7 for determining, based upon the nature of the allegation, the
8 appropriate method of investigation, which may include, but is
9 not limited to, site visits, telephone contacts, personal
10 interviews, or requests for written responses. The rules must
11 establish the process, contents, and timing for summary reports
12 and recommendations issued by the Commuter Rail Inspector
13 General and for the responses to the summary reports and
14 recommendations issued by the appropriate individual or entity
15 pursuant to paragraph (4) of subsection (f). The rules must
16 also clarify how the Office of the Commuter Rail Inspector
17 General shall interact with other local, state, and federal law
18 enforcement authorities and investigations. The rules shall
19 provide that investigations and inquiries by the Office of the
20 Commuter Rail Inspector General must be conducted in compliance
21 with the provisions of any collective bargaining agreement that
22 applies to the affected employees of the Commuter Rail Division
23 and that any recommendation for discipline or other action
24 against any employee by the Office of the Commuter Rail
25 Inspector General must comply with the provisions of any
26 applicable collective bargaining agreement.

1 (h) The Office of the Commuter Rail Inspector General shall
2 be an independent office of the Commuter Rail Division. Within
3 its annual budget, the Commuter Rail Board shall provide a
4 clearly delineated budget for the Office of the Commuter Rail
5 Inspector General. The budget of the Office of the Commuter
6 Rail Inspector General shall be adequate to support an
7 independent and effective office. The budget may not be less
8 than \$1,000,000, not including start-up expenses, in the
9 initial year of the office. Except with the consent of the
10 Commuter Rail Inspector General, the Commuter Rail Board shall
11 not reduce the budget of the Office of the Commuter Rail
12 Inspector General by more than 10% (i) within any fiscal year
13 or (ii) over the 5-year term of any Commuter Rail Inspector
14 General. To the extent allowed by law and the Commuter Rail
15 Board's policies, the Commuter Rail Inspector General shall
16 have sole responsibility for organizing and staffing the Office
17 of the Commuter Rail Inspector General within the budget
18 established by the Commuter Rail Board, including the
19 recruitment, supervision, and discipline of the employees of
20 that office. The Commuter Rail Inspector General shall report
21 directly to the Board of Directors of the Commuter Rail Board
22 with respect to the prompt and efficient operation of the
23 Office of the Commuter Rail Inspector General.

24 For the purposes of this subsection (h), "start-up
25 expenses" include, but are not limited to, information
26 technology equipment and infrastructure, website development,

1 and executive search firm services.

2 (i) No Commuter Rail Inspector General or employee of the
3 Office of the Commuter Rail Inspector General may, during his
4 or her term of appointment or employment:

5 (1) become a candidate for any elective office;

6 (2) hold any other elected or appointed public office
7 except for appointments on governmental advisory boards or
8 study commissions or as otherwise expressly authorized by
9 law;

10 (3) be actively involved in the affairs of any
11 political party or political organization; or

12 (4) advocate for the appointment of another person to
13 an appointed public office or elected office or position or
14 actively participate in any campaign for any elective
15 office.

16 As used in this subsection (i), "appointed public office"
17 means a position authorized by law that is filled by an
18 appointing authority as provided by law and does not include
19 employment by hiring in the ordinary course of business.

20 (i-5) No Commuter Rail Inspector General or employee of the
21 Office of the Commuter Rail Inspector General may, for one year
22 after the termination of his or her appointment or employment:

23 (1) become a candidate for any elective office;

24 (2) hold any elected public office; or

25 (3) hold any appointed State, county, or local judicial
26 office.

1 The requirements of item (3) of this subsection may be
2 waived by the Selection Committee.

3 (j) All members of the Board of Directors for the Commuter
4 Rail Division, all officers and employees of, and vendors,
5 subcontractors, and others doing business with the Commuter
6 Rail Division have a duty to cooperate with the Commuter Rail
7 Inspector General and employees of the Office of the Commuter
8 Rail Inspector General in any investigation undertaken
9 pursuant to this Section. Failure to cooperate includes, but is
10 not limited to, intentional omissions and knowing false
11 statements. Failure to cooperate with an investigation
12 pursuant to this Section is grounds for disciplinary action,
13 including termination of employment. Nothing in this Section
14 limits or alters a person's existing rights or protections
15 under State or federal law.

16 (k) All members of the Board of Directors of the Commuter
17 Rail Division and all officers and employees of the Commuter
18 Rail Division have a duty to report, directly and without undue
19 delay, to the Commuter Rail Inspector General's Office any
20 information concerning conduct which they know or should
21 reasonably know to involve corruption or other criminal
22 activity by a Commuter Rail Division Board member, officer,
23 employee, vendor, subcontractor, or others doing business with
24 the Commuter Rail Division. Failure to report corrupt or other
25 criminal activity to the Commuter Rail Inspector General's
26 Office is grounds for disciplinary action, including

1 termination of employment.

2 (l) The Commuter Rail Inspector General shall establish and
3 maintain an independent public website and whistleblower
4 hotline. A report made through the Commuter Rail Inspector
5 General's website or to the whistleblower hotline shall be
6 considered a report to the Office of the Commuter Rail
7 Inspector General.

8 (m) The identity of any individual providing information to
9 or reporting any possible or alleged fraud, waste, abuse,
10 mismanagement, misconduct, nonfeasance, misfeasance,
11 malfeasance, or violations of this Act or violations of other
12 related laws and rules, except as otherwise provided in this
13 Section, to the Commuter Rail Inspector General shall be kept
14 confidential, unless the individual consents to disclosure of
15 his or her name or unless disclosure of the individual's
16 identity is otherwise required by law. The confidentiality
17 granted by this subsection does not preclude the disclosure of
18 the identity of a person in any capacity other than as the
19 source of an allegation.

20 Subject to the provisions of subsection (e) of this
21 Section, the Commuter Rail Inspector General, and employees and
22 agents of the Office of the Commuter Rail Inspector General,
23 shall keep confidential and shall not disclose information
24 exempted from disclosure under the Freedom of Information Act
25 or by this Act.

26 (n) If the Commuter Rail Inspector General determines that

1 any alleged misconduct involves any person not subject to the
2 jurisdiction of the Commuter Rail Inspector General, then the
3 Commuter Rail Inspector General shall refer the reported
4 allegations to the appropriate inspector general, appropriate
5 ethics commission, or other appropriate law enforcement
6 authority. If the Commuter Rail Inspector General determines
7 that any alleged misconduct may give rise to criminal
8 penalties, then the Commuter Rail Inspector General may refer
9 the allegations to the appropriate law enforcement authority.
10 If a Commuter Rail Inspector General determines that any
11 alleged misconduct resulted in the loss of public funds in an
12 amount of \$5,000 or greater, then the Commuter Rail Inspector
13 General shall refer the allegations regarding that misconduct
14 to the Attorney General, the relevant State's Attorney, and any
15 other appropriate law enforcement authority.

16 (o) The Commuter Rail Inspector General shall provide to
17 the Commuter Rail Board a summary of reports and investigations
18 made under this Section no later than March 31 and September 30
19 of each year. The summaries shall detail the final disposition
20 of the Commuter Rail Inspector General's recommendations. The
21 summaries shall also include detailed recommended
22 administrative actions and matters for consideration by the
23 Commuter Rail Board. The summaries shall not contain any
24 confidential or identifying information concerning the
25 subjects of the reports and investigations. The summaries
26 required under this subsection shall be posted on the Commuter

1 Rail Inspector General's website.

2 (p) Any investigation or inquiry by the Commuter Rail
3 Inspector General or any agent or representative of the
4 Commuter Rail Inspector General must be conducted in accordance
5 with the rights of the employees as set forth in State and
6 federal law and applicable judicial decisions. Any
7 recommendations for corrective or disciplinary action toward
8 any employee by the Commuter Rail Inspector General or any
9 representative or agent of the Commuter Rail Inspector General
10 must comply with the provisions of any collective bargaining
11 agreement that may apply to the employee.

12 (q) Nothing in this Section shall diminish the rights,
13 privileges, or remedies of a State employee or any employee of
14 the Commuter Rail Division under any other federal or State
15 law, rule, or regulation or under any collective bargaining
16 agreement.

17 (r) If a complaint is made in which the Commuter Rail
18 Inspector General or an employee of the Office of the Commuter
19 Rail Inspector General could be reasonably deemed to be the
20 subject or that presents a conflict of interest for the
21 Commuter Rail Inspector General or an employee of the Commuter
22 Rail Inspector General, then the Commuter Rail Inspector
23 General shall, as appropriate, refer the matter to the State's
24 Attorney with jurisdiction, the Illinois Attorney General, the
25 United States Attorney, or other appropriate law enforcement
26 official or agency.

1 (s) The Office of the Commuter Rail Inspector General shall
2 be subject to peer review every 3 years by a qualified
3 association selected by the Section Committee. The peer review
4 shall be paid for from funds appropriated to the Office of the
5 Commuter Rail Inspector General. The Chairperson of the
6 Commuter Rail Board of Directors shall provide the written
7 report from the peer review to the Commuter Rail Board of
8 Directors and the Selection Committee, and post the report on
9 the Commuter Rail Inspector General's website.

10 Section 10. The Whistleblower Act is amended by changing
11 Section 5 as follows:

12 (740 ILCS 174/5)

13 Sec. 5. Definitions. As used in this Act:

14 "Employer" means: an individual, sole proprietorship,
15 partnership, firm, corporation, association, and any other
16 entity that has one or more employees in this State, including
17 a political subdivision of the State; a unit of local
18 government; a school district, combination of school
19 districts, or governing body of a joint agreement of any type
20 formed by two or more school districts; a community college
21 district, State college or university, or any State agency
22 whose major function is providing educational services; any
23 authority including a department, division, bureau, board,
24 commission, or other agency of these entities; the Office of

1 the Commuter Rail Inspector General; and any person acting
2 within the scope of his or her authority express or implied on
3 behalf of those entities in dealing with its employees.

4 "Employee" means any individual who is employed on a
5 full-time, part-time, or contractual basis by an employer.

6 "Employee" also includes, but is not limited to, a licensed
7 physician who practices his or her profession, in whole or in
8 part, at a hospital, nursing home, clinic, or any medical
9 facility that is a health care facility funded, in whole or in
10 part, by the State.

11 (Source: P.A. 95-128, eff. 1-1-08; 96-1253, eff. 1-1-11.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.